EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2004-0043-PWS-E TCEQ ID: RN101252732 CASE NO.: 11945 RESPONDENT NAME: SNI CORPORATION DBA BROADWAY FOOD MART

ORDER TYPE:											
X 1660 AGREED ORDERFINDINGS AGREED ORDERFINDINGS ORDER FOLLOWING SOAH HEARING											
FINDINGS DEFAULT ORDER											
_AMENDED ORDEREMERGENCY ORDER											
CASE TYPE:											
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE									
X_PUBLIC WATER SUPPLY	X_PUBLIC WATER SUPPLYPETROLEUM STORAGE TANKSOCCUPATIONAL CERTIFICATION										
WATER QUALITYSEWAGE SLUDGEUNDERGROUND INJECTION CONTROL											
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION									
SITE WHERE VIOLATION(S) OCCURR	ED: 2682 Highway 71, Columbus, Colorado C	County									
TYPE OF OPERATION: Convenience stor	e with a public water supply system	4									
SMALL BUSINESS: X Yes	. No										
OTHER SIGNIFICANT MATTERS: Ther regarding this facility location.	e are no complaints. There is no record of add	itional pending enforcement actions									
INTERESTED PARTIES: No one other tha	n the ED and the Respondent has expressed an	interest in this matter.									
COMMENTS RECEIVED: The Texas Reg.	ister comment period expired on July 14, 2008.	No comments were received.									
CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873											
 TCEQ Enforcement Coordinator: Ms. Merrilee Gerberding-Hupp, Water Enforcement Division, MC 169, (512) 239-4490 TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3500 Respondent: Ms. Ameena Saleem Bhaidani, President, SNI Corporation, 6223 Spencer's Glen Sugar Land, Texas 77479 Respondent's Attorney: Mr. William F. Harmeyer, Harmeyer & Associates, 475 Arena Tower One, 7322 Southwest Freeway 											
Suite 475, Houston, Texas 77074, (713) 270-5552											

RESPONDENT NAME: SNI CORPORATION DBA BROADWAY FOOD MART DOCKET NO.: 2004-0043-PWS-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED *Initial Calculated Penalty: Type of Investigation: **Ordering Provisions:** \$5,250 Complaint X Routine Total Assessed: \$4.950 The Respondent shall undertake the following Enforcement Follow-up technical requirements: X Records Review Total Deferred: \$0 1. Immediately begin monitoring the chlorine residual at representative locations in the Date of Complaints Relating to this Case: Total Paid/Due to General distribution system at least once every seven There are no complaints. Revenue: \$190/\$4,760* Dates of Investigation Relating to this Case: May 27, 2003 2. Within 15 days, begin weekly Residual The Respondent has paid \$190 of Chlorine Testing. the administrative penalty. The remaining amount of \$4,760 shall Date of NOE Relating to this Case: July 25, 2003 (NOE) be payable in 35 monthly 3. Within 90 days: payments of \$136 each. a. Obtain an exception to 30 TEX. ADMIN./ **Background Facts:** CODE § 290.41 (c)(1)(A), (relating to well The EDPRP was filed on September 14, 2004. The Respondent filed Compliance Site History located near underground storage tanks); and an Answer and the case was referred to SOAH on April 5, 2005. An Classification Agreed Order was signed by the Respondent on June 22, 2006. N/A b. Obtain an exception to 30 TEX. ADMIN. Person Compliance History CODE § 290.41 (c)(1)(F), (relating to sanitary Classification control easements). The Respondent in this case does not owe any other penalties N/A according to the Administrative Penalty Database Report. Major Source: ___ Yes __x Within 105 days, submit written **PWS** certification and detailed supporting documentation, including photographs, 1. Failed to collect and submit routine bacteriological samples and Applicable Penalty Policy: receipts, and other records to demonstrate repeat samples after a coliform positive result [30 Tex. ADMIN. CODE September 2002 compliance of the above. § 290.109(c)(2) and (3) and TEX. HEALTH & SAFETY CODE § 341.033(d)]. *Explanation of Initial Calculated Penalty Reduction: The penalty was reduced by 2. Failed to use a method that conforms to the requirements of 30 \$300 in consideration of the risk TEX. ADMIN. CODE § 290.119 relating to analytical procedures [30] of litigation. TEX. ADMIN. CODE § 290.110(d)(3)]. (NOTE: 30 TEX. ADMIN. CODE § 290.110(d)(3) was recodified as 30 Tex. ADMIN. CODE § 290.110(d)(1)(C) effective January 9, 2008, by 33 Tex. Reg. 198). 3. Failed to conduct and record weekly chlorine residual tests [30] TEX. ADMIN. CODE § 290.110(c)(5)(B)]. (NOTE: 30 TEX. ADMIN. CODE § 290.110(c)(5)(B) was recodified as 30 Tex. ADMIN. CODE § 290.110(c)(4)(A) effective January 9, 2008, by 33 Tex. Reg. 198). 4. Failed to post Public Notices for violations of the maximum contaminant limit for microbial contaminants (coliform positive sample results) [30 Tex. ADMIN. CODE § 290.122(a)]. 5. Failed to locate ground water sources so there will be no danger of pollution from unsanitary surroundings [30 Tex. ADMIN. CODE § 290.41 (c)(1)(A)].

6. Failed to provide a sanitary control easement for the well [30 Tex.

ADMIN. CODE § 290.41(c)(1)(F)].

Page 1 of 14 06/30/08 C:\WINDOWS\TEMP\XPgrpwise\2004-0043-pws-e-qcp-Broadway Food Mart LD REVISED without blk 3 .qpv
Penalty Calculation Worksheet (PCW)
Policy Revision 2 (09/02) PCW Revision 2/10/2004
DATES
PCW 28-May-2008 Screening 14-Jan-2004 Priority Due 13-May-2004 EPA Due RESPONDENT INFORMATION
Respondent SNI Corporation dba Broadway Food Mart
Respondent/Site ID No(s). RN101252732; Public Water Sytem ID No. 0450065
Facility/Site Region 12 - Houston < Major/Minor Source Minor <
CASE INFORMATION Enf./Case ID No(s). CCEDS Case No. 11945
Docket No. 2004-0043-PWS-E No. Violations 6
Case Priority 3 < Order Type 1660 with deferral <
Enf. Coordinator Merrilee Hupp EC's Team Enforcement Team 1
Media Program(s) Public Water Supply
Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000
Penalty Calculation Section
TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$5,25
AD MOTHERITO (//) TO OUDTOTAL 4
ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 0% Enhancement Subtotals 2, 3 & 7 \$
Compliance History 0% Enhancement Subtotals 2, 3 & 7 \$
Notes No increase due to Compliance History. +
Culpability 0% Enhancement Subtotal 4 \$
Taripatority
No < Select Yes/No
Notes Respondent does not meet culpability requirement. +
Good Faith Effort to Comply 0% Reduction Subtotal 5 \$
Before NOV NOV to EDPRP/Settlement Offer
Extraordinary
Ordinary
None of the above X (mark with small x) +
Notes Respondent is not yet in compliance.
Economic Benefit 0% Enhancement* Subtotal 6 \$
Economic Benefit 0% Enhancement* Subtotal 6 \$ \$2,578 Total EB Amounts *Capped at the Total EB \$ Amount
\$3,175 Approx. Cost of Compliance
40.170 Approx. cost of objigilance
SUM OF SUBTOTALS 1-7 / Final Subtotal \$5,25
+
OTHER FACTORS AS JUSTICE MAY REQUIRE \$
Reduces or enhances the Final Subtotal by the indicated percentage. / (enter number only; e.g30 for -30%)
Notes
Final Penalty Amount \$5,25
7 mail charty randomic #5,25
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$5,25
DEFERRAL Deferral Reduction Adjustment \$
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)
No deferral will/he offered because the Respondent failed to settle within the
Notes 60 day settlement period.

\$5,250

PAYABLE PENALTY

e 2 of 14	06/30/08	C:\WINDOWS\TEMP\XPgrpwise\2004-0043-pws-e-qcp-Broadway Food M	lart LD RE	VISED witho	
S	creening Date	14-Jan-2004 Docket Number			PC
		SNI Corporation dba Broadway Food Mart		icy Revision	•
		CCEDS Case No. 11945	PC	W Revision	2/10/20
		RN101252732; Public Water Sytem ID No. 0450065			
		Public Water Supply	•		
Enf	. Coordinator	Merrilee Hupp	ninggrammathininggraphy (c	энсинивания фармация (пред)	
	Site Address	2682 HWY 71, Columbus, Colorado County	Minaranananananananananan		
		Compliance History Worksheet			
	Compliance F	listory Site Enhancement (Subtotal 2)			
	Component	Number of Enter N	lumber Here	Adjust.	•
	1	Written NOVs with same or similar violations as those in the current	0		
	NOVs	enforcement action (number of NOVs meeting criteria)		0%	
	1	Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability	0		•
	4	(number of orders meeting criteria)	U I	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement			
	J Cradio	orders without a denial of liability, or default orders of this state or the	0	į	
	7	federal government, or any final prohibitory emergency orders issued by			
. •		the commission		0%	
		Any non-adjudicated final court judgments or consent decrees containing			
	Judgments	a denial of liability of this state or the federal government (number of	0		
	and Consent	judgements or consent decrees meeting criteria)		0%	
	Decrees	Any adjudicated final court judgments and default judgments, or			*
		non-adjudicated final court judgments or consent decrees without a denial	0		
		of liability, of this state or the federal government		0%	
	Convictions	Any criminal convictions of this state or the federal government (number	0	004	
	<u></u>	of counts)		0%.	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
1	•	Letters notifying the executive director of an intended audit conducted		ŧ	
	Audits	under the Texas Environmental, Health, and Safety Audit Privilege Act,	·o	.]	
		74th Legislature, 1995 (number of audits for which notices were		00/	
		submitted)		0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	0		
		which violations were disclosed)		00/	
	{ !		i er Yes or No	0%	
	; ;	Environmental management systems in place for one year or more	No	00/	
		THE RESERVE OF THE PROPERTY OF	110	0%	
		Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	00/	
	Other			0%	
	0.1101	Participation in a voluntary pollution reduction program	No	0%	
	T. M. C.	Early compliance with, or offer of a product that meets future state or	h.1		
		federal government environmental requirements	No	0%	
	i				
		# all 4: 4 =	nantar- 10	wheetel as	00
		Adjustment Per	centage (S	uptotal Z)	
	Repeat Violate	or (Subtotal 3)	•		
		•		r	
	No <	Select Yes/No Adjustment Per	centage (S	ubtotal 3)	00
	Compliance H	istory Person Classification (Subtotal 7)			
		· · · · · ·			
	N/A	Select High, Average or Poor Adjustment Pero	centage (S	ubtotal 7)	0,
	······································			- 1/10	/
mplianc	e History Sumi	mary			
•	-		THE PROPERTY OF THE PROPERTY O)	
	Compliance	Ne increase due to Committee - Lister			•
•	History Notes	No increase due to Compliance History.			
	Notes		niammadinneniiAmmee		
	•			f	
		Total Adjustment Percentage (Sub	totals 2	, 3 & 7)	0%

The management will be a series of the second second second	/INDOWS\TEMP\XPgrpwise\2004-0043-pws-e-qcp-Broadway Food Mart LD RE\	/ISED without blk 3
Screening Date	Daliay F	Revision 2 (09/02)
,	SINI Corporation upa broadway rood Mart	evision 2/10/2004
i ·	CCEDS Case No. 11945	;
*	RN101252732; Public Water Sytem ID No. 0450065	
	Public Water Supply	:
Enf. Coordinator	Merrilee Hupp	
Violation Number	30 TAC § 290.109(c)(2) and (3) and Texas Health and Safety Code §	ا ا
Primary Rule Cite	30 TAC § 290.109(c)(2) and (3) and Texas health and Salety Code § 341.033(d)	
Secondary Cite(s)		4
Violation Description	Failure to collect and submit routine bacteriological samples and repeat samples after a coliform positive result as required.	
	Base Penalty	\$1,000
» Environmental,	Property and Human Health Matrix	• .
	Harm	•
Release	Major Moderate Minor	•
OR Actual	ринимини операти опера	
Potential	x Percent 25%	<u>.</u>
» Programmatic N	1atrix	•
Falsification	Major Moderate Minor	
OR Talsinoution	Percent	
		······································
Matrix Failure to take Notes contaminat	samples for bacteriological analysis may result in undetected ed water being distributed to the public resulting in illness.	•
	Adjustment -\$750)
	Base Penalty Subtota	l\$250
Violation Events		•
Number of Vi	olation Events 5	
	\	•
mark only one; use small x	daily	•
mark arry one, add amar x	monthly X	. •
	quarterly	•
	semiannual Violation Base Penalty	\$1,250
		Y 1,233
	annual	
	single event	
	ts are recommended based on the Respondent's failure to collect apple for bacteriological analysis for June 2002, September 2002, December 2003, May 2003 and June 2003.	
Economic Bene	fit (EB) for this violation Statutory Limit Test	
Estimated I	B Amount (\$) \$66 Violation Final Penalty tota	I \$1,250
	This Violation Final Assessed Penalty (adjusted for limits	\$1,250

Page 4 of 14 06/30/08	C:\WINDOWS\1	TEMP\XPgrpwise\	2004-0043-рws-є	-qcp-Bro	adway Food Mar	t LD REVISED wi	thout blk 3 .qpw
		Economic	Benefit Wor	kshee	et		
Respondent	SNI Corporation di	oa Broadway Food	d Mart				
ID Number(s)	CCEDS Case No.	11945	,			Percent	Years of
Media [Statute]	Public Water Supp	ily				Interest	Depreciation
Violation Number	1				· <u>L</u>	5.0	15
,	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$					€.	
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)			·	0.0	\$0 \$0	\$0	\$0
Engineering/construction				0.0	\$0 \$0	\$0	
Land				0.0	\$0		\$0 \$0
Record Keeping System						n/a	
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	. \$0	n/a	\$0
Notes for DELAYED costs							
							·
Assistant Confo							
Avoided Costs	T	NNUALIZE [1] a	voided costs be			ot for one-time a	1
Disposal Personnel	<u> </u>			0.0	\$0	\$0	\$0
•	6050	1-Jun-2002	1-Sep-2002	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$250	1-Jun-2002	1-Sep-2002	0.3	\$3	\$63	\$66
Supplies/equip	<u> </u>			0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	. \$0	\$0
Other (as needed)				0.0	\$0	. \$0	\$0
Notes for AVOIDED costs							
		Approximate co	st to collect and	submit ro	outine bacteriolog	ical samples.	
					_		
Approx Cost of Compliance	\$250				-	ΓΟΤΑL [\$66

	_	14-Jan-04 Docket Number 2004-0043-PWS-E	cy Revision 2 (PCW 19/02
	•	SNI Corporation dua broadway i ood Mart	N Revision 2/10	
		CCEDS Case No. 11945	r Revision 2/10	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Respon		RN101252732; Public Water Sytem ID No. 0450065		
		Public Water Supply		
	Enf. Coordinator			
	iolation Number			
	rimary Rule Cite	30 Tex. Admin. Code § 290.110(d)(3)		
	Secondary Cite(s)			
Viol	ation Description	Failure to use a method that conforms to the requirements of 30 Tex. Adm Code § 290.119 relating to analytical procedures. Specifically, the responde failed to possess a chlorine test kit that uses the DPD calorimetric method determine free chlorine residual levels at various locations of the distribution system.	ent to	
		Base Pen	alty \$	1,000
»	Environmental I	Property and Human Health Matrix	· ·	neimbereenen
		Harm		
	Release	Major Moderate Minor		
or	Actual	Major Moderate Amiron		
Oit	Potential	x Percent	10%	
	. Totermar			
»	Programmatic M	Matrix		
"				
OR	Falsification	Major Moderate Minor Percent		
0/1		T G cont		
Matrix Notes		e the appropriate method for chemical analysis may result in ontaminated water being distributed to the public.	•	
		proceedings		
		Adjustment	2000	
		. · · · · · · · · · · · · · · · · · · ·	\$900	e40
	\(\tau_1 \)	Base Penalty Subt		\$100
	Violation Events	Base Penalty Subt		\$10
· · · · · · · · · · · · · · · · · · ·		Base Penalty Subt		\$10
	Number of Vi	Base Penalty Subt		\$100
mark		Base Penalty Subt olation Events 4		\$100
mark	Number of Vi	Base Penalty Subt		\$100
mark	Number of Vi	Base Penalty Subt	cotal · · · · · · · · · · · · · · · · · · ·	
mark	Number of Vi	Base Penalty Subt	cotal · · · · · · · · · · · · · · · · · · ·	
mark	Number of Vi	Base Penalty Subt	cotal · · · · · · · · · · · · · · · · · · ·	
mark	Number of Vi	Base Penalty Subt	cotal · · · · · · · · · · · · · · · · · · ·	
mark Events Notes	Number of Vic	Base Penalty Subt	cotal · · · · · · · · · · · · · · · · · · ·	
Events	Number of Victorial x only one; use small x Four quarterly evoluting the May 27,	daily monthly quarterly x violation Base Penalty Subt violation Base Penalty Subt violation Base Penalty Subt annual single event ents are recommended based on documentation of the violation 2003 investigation until the 60 day settlement termination date of	cotal · · · · · · · · · · · · · · · · · · ·	\$100

Page 6 of 14 06/30/08	C:\WINDOWS\					t LD REVISED wi	thout blk 3 .qpw
		Economic	Benefit Wo	rkshe	et		
Respondent	SNI Corporation di	oa Broadway Foo	d Mart				
ID Number(s)	CCEDS Case No.	11945				Percent	Years of
Media [Statute]	Public Water Supp	oly.				Interest	Depreciation
Violation Number	. 2				Ĺ	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$				•		
Delayed Costs			•				
Equipment		1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	· \$0	\$0
Engineering/construction				0.0	\$0	\$0	. \$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	. \$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$375	27-May-2003	15-Nov-2004	1.5	\$28	n/a	\$28
Notes for DELAYED costs			· · · · · · · · · · · · · · · · · · ·	1.01	Ψ20]	1//4]	Ψ20
	Approxir	mate cost to purc	hase proper equi	oment fo	r analytical testing	g using a DPD me	thod.
Avoided Costs	. <i>F</i>	NNUALIZE [1] a	voided costs be			ot for one-time a	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs			•				
	·						
, , , , , , , , , , , , , , , , , , , ,			•				
Approx Cost of Compliance	\$375					TOTAL [\$28

Violation Events Number of Violation Events 12 mark only one: use small x daily monthly quarterly semiannual annual single event Twelve monthly events are recommended based on documentation of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of May 9, 2004. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$774 Violation Final Penalty total \$3,0	Respondent SNI Corporation dba Broadway Food Mart Case ID No. CCEDS Case No. 11945 Respondent/Site ID No. RN101252732; Public Water Sytem ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Merrilee Hupp Violation Number 3 Primary Rule Cite Secondary Cite(s) Violation Description Failed to conduct and record weekly chlorine residual tests. Base Penalty Base Penalty Percent 25% Programmatic Matrix Falsification Major Moderate Minor OR Actual Potential X Percent Percent Failure to conduct weekly chlorine residual tests could expose pollutants which would exceed levels that are protective of human health. Notes Number of Violation Events Number of Violation Events Table Violation Base Penalty Violation Base Penalty Violation Base Penalty Semiannual annual single event Twelve monthly events are recommended based on documentation of the violation date of during the May 27, 2003 investigation until the 60 day settlement termination date of	
Respondent/Site ID No. RN101252732; Public Water Sytem ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Falled to conduct and record weekly chlorine residual tests. Base Penalty Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential X Percent 25% Programmatic Matrix Fallure to conduct weekly chlorine residual tests could expose pollutants which Notes Violation Events Number of Violation Events Violation Events Number of Violation Events Sevents Sevents Sevents Sevents Number of Violation Events Number of Violation Events Number of Violation Events Number of Violation Events Sevents Sevents Sevents Sevents Stuttory Limit Test Events Notes Twelve monthly events are recommended based on documentation of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of May 9, 2004. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (S) S774 Violation Final Penalty total S3.0	Respondent/Site ID No. CCEDS Case No. 11945 Respondent/Site ID No. RN101252732; Public Water Sytem ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Merrilee Hupp Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Failed to conduct and record weekly chlorine residual tests. Base Penalty **Base Penalty* **Percent** Release Major Moderate Minor OR Actual Potential X Percent 25% **Programmatic Matrix Falsification Major Moderate Minor OR Percent** **Programmatic Matrix Falsification Major Moderate Minor OR **Percent** **Programmatic Watrix Falsification Major Moderate Minor OR **Adjustment** **Violation Events Number of Violation Events Number of Violation Events Number of Violation Events **Number of Violation Events Number of Violation Events Twelve monthly vents are recommended based on documentation of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of the violation date of	10/20(
Respondent/Site ID No. RN101252732; Public Water System ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Merrikee Hupp Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Falled to conduct and record weekly chlorine residual tests. Base Penalty \$1.0 ** Environmental, Property and Human Health Matrix ** Harm Release Major Moderate Minor OR Actual Potential X Percent 25% ** Programmatic Matrix Fallsification Major Moderate Minor OR Actual Noderate Minor Adjustment \$750 Base Penalty Subtotal \$2 Violation Events Number of	Respondent/Site ID No. RN101252732; Public Water Sytem ID No. 0450065 Media Statute Public Water Supply Enf. Coordinator Merrilee Hupp Violation Number 3	
Media [Statute] Public Water Supply Enf. Coordinator Merrilee Hupp Violation Number 3 Primary Rule Cite Secondary Cite(s) Violation Description Failed to conduct and record weekly chlorine residual tests. Base Penalty S1,0 **Base Penalty S1,0 **Percent Release Major Moderate Minor OR Actual Potential X Percent Faisification Major Moderate Minor OR **Percent Failure to conduct weekly chlorine residual tests could expose pollutants which would exceed levels that are projective of human health. **Adjustment S750 **Base Penalty Subtotal S2 Violation Events Number of Violation Events Number of Violation Events Number of Violation Events **Violation Base Penalty S3,00 **Single event **Events Notes **Twelve monthly events are recommended based on documentation of the violation during the May 27, 2003 investigation until the 60 day settlement termination date of May 9, 2004. **Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) **Single Penalty S3,00 **	Media [Statute] Public Water Supply Enf. Coordinator Merrilee Hupp Violation Number 3 Primary Rule Cite Secondary Cite(s) Violation Description Failed to conduct and record weekly chlorine residual tests. Base Penalty Base Penalty Base Penalty Percent Percent Programmatic Matrix Falsification Major Moderate Minor OR Actual Potential Percent Matrix Falsification Major Moderate Minor OR Actual Potential Adjustment Selicate Sould exceed levels that are protective of human health. Adjustment Selication Subtotal Violation Events Number of Violation Events Number of Violation Events Twelve monthly events are recommended based on documentation of the violation Events Twelve monthly events are recommended based on documentation of the violation Twelve monthly events are recommended based on documentation of the violation Base Penalty Violation Events Twelve monthly events are recommended based on documentation of the violation Base Penalty Twelve monthly events are recommended based on documentation of the violation Base Penalty Violation Events Twelve monthly events are recommended based on documentation of the violation Transport of Violation Base Penalty Selication Failed to conduct weekly chlorine residual tests. Base Penalty Selication Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record weekly chlorine residual tests. Base Penalty Selication Failed to conduct and record	
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during the May 27, 2003 investigation until the 60 day settlement termination date of May 9, 2004. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount (\$) \$774 Violation Final Penalty total \$3,0	during the May 27, 2003 investigation until the 60 day settlement termination date of	
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Estimated EB Amount (\$) \$774 Violation Final Penalty total \$3,0		
Estimated EB Amount (\$) \$774 Violation Final Penalty total \$3,0		
	Economic Benefit (EB) for this violation Statutory Limit Test	
AND THE PROPERTY OF THE PROPER	Estimated EB Amount (\$) \$774 Violation Final Penalty total	
This Violation Final Assessed Penalty (adjusted for limits) \$3,0	This Violation Final Assessed Penalty (adjusted for limits)	\$3,00

Page 8 of 14 06/30/08	C:\\V\INDOV\S\				padway Food Mart	LD REVISED wit	hout blk 3 .qpw
			Benefit Wor	rksnee	et		
-	SNI Corporation d	-	d Mart		Г		
	CCEDS Case No.		•			Percent Interest	Years of Depreciation
Media [Statute]		oly				1	
Violation Number	3				L	5.0	15
ltem	Item	Date	Final	Yrs	Interest	Onetime	EB
Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment		·		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	· n/a	. \$0
Remediation/Disposal				0.0	\$0	n/a	. \$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	,						
Avoided Costs		ANNUALIZE [1] a	voided costs be	fore ente	ering item (excep	t for one-time av	oided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	27-May-2003	15-Nov-2004	1.5	\$37	\$737	\$774
Supplies/equip	·			0.0	\$0	\$0	\$0
Financial Assurance [2]		·		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			·]	0.0	\$0	\$0	\$0
Notes for AVOIDED costs		Estimated cos	st to conduct and	record w	eekly chlorine res	idual tests.	
Approx Cost of Compliance	\$500					OTAL [\$774

Page	9 of 14			a come of the comment		s-e-qcp-Broadway Food	Mart LD REVISE	D without blk 3 .c
' 'X		Screening Date				2004-0043-PWS-E	Policy Revi	sion 2 (09/02)
		•	SNI Corporation CCEDS Case No		roou Mari	•		ion 2/10/2004
	Pospo	ndent/Site ID No.			vtem ID No	0450065	·	1
	Kespo	Media [Statute]			yteiii ib ivo.	. 0-0000		
		Enf. Coordinator		ppiy		•		
	•	Jiolation Number	4					1
		rimary Rule Cite		30 Tex.	Admin. Cod	e § 290.122(a)		
		Secondary Cite(s)						
		ation Description	Failure to post	Public Notices	for violation	ns of the maximum conta	minant limit	
		· .	(MCL) for	microbial conta	minants (co	oliform positive sample re	esults).	
		Ī				R	ase Penalty	\$1,000
	»	Environmental, F	Property and F	luman Healt	h Matriy		ase I charty	Ψ1,000
	"	Environmental, i	Toperty and I	Harm	II Walix			
		Release	Major	Moderate	Minor			
	OR	Actual	IVIAJOI	Moderate	TVIII TOT	1	•	
	UK	Potential			 	Percent		. '
		i oteniai į			<u> </u>	J 20100111	<u>i</u>	
	»	Programmatic M	latrix					
	"	Falsification	Major	Moderate	Minor			
	or	1 alsilication	x	Woderate	1	Percent	10%	
	Matrix Notes		100% of the	requirement wa	as not met.			
	110103		 				***************************************	
						Adjustment	-\$900 • •	
	,				•	Base Penal	ty Subtotal	\$100
		Violation Events	п	·-·	- -1			•
		Number of Vic	olation Events	3]			
					71			•
	mark	only one; use small x	daily		<u></u> .	•		•
			monthly		1			•
			quarterly		4		'	
			semiannual		4	Violation Ba	se Penalty	\$300
			annual		1			
			single event	×				
	Evente	Three single supp	to are recommen	dod bacad an	the failure t	o post notices for the		
	Events Notes		ths of May 2003				•	
								
		Economic Benef	it (FR) for this	violation		Statutory Limit Test		
		200.10.1110 201101	(22) 101 1110			in the state of th		
٠.		Estimated E	B Amount (\$)	\$53		Violation Final Pe	nalty total	\$300
		200111111000 2	_ 1, (ψ) [l	,		
		٠	This Vio	lation Final	Assesse	d Penalty (adjusted	for limits)	\$300
	:						·	

Page 10 of 14 06/30/08	C.WINDOWS		Benefit Wo		oadway Food Mar et	LD KEVISED W	wqр. с ма воли
Respondent	SNI Corporation d						
	CCEDS Case No.					Percent	Years of
Media [Statute]	Public Water Supp	oly	•			Interest	Depreciation
Violation Number	4		•			5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Deleved Cooks				•			
Delayed Costs Equipment							
Equipment Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			.(0.0	\$0 \$0	\$0	\$0 \$0
Record Keeping System			(*************************************	0.0	\$0 \$0	n/a	\$0
Training/Sampling				0.0	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs				0.0	. \$0	· · · · · · · · · · · · · · · · · · ·	\$0 \$0
Other (As Needed)						n/a	
Notes for DELAYED costs		I		0.0	\$0	n/a	\$0
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				•			
<u>.</u>			uumantehustatiidan Sonio Jitaan 300 ilikk				Leannean account of the second
Avoided Costs	,	ANNUALIZE [1] a	voided costs be	fore ente	ering item (excep	t for one-time a	voided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$50	30-May-2003	31-Jan-2004	1.0	\$3	\$50	\$53
Notes for AVOIDED costs				nth when	May 2003. Date re notice would no le ompliance.		
Approx Cost of Compliance	\$50				Т	OTAL [\$53

Page	11 of 14	06/30/08 C:\V	VINDOWS\TEMF			ws-e-qcp-Broadway Food	Mart LD REVISI	ED without blk 3 .
A 4		Screening Date				2004-0043-PWS-E	Deffer Pari	PCW
		-	SNI Corporation		Food Mart			sion 2 (09/02)
		Case ID No.	CCEDS Case No	o. 11945			PCW Revis	ion 2/10/2004
:	Respo	ndent/Site ID No.	RN101252732; F	Public Water Sy	ytem ID No	. 0450065		1
		Media [Statute]	Public Water Su	pply	•			
		Enf. Coordinator	Merrilee Hupp	•				
		iolation Number/	5					
		rimary Rule Cite		30 Tex. Ad	min. Code	§ 290.41(c)(1)(A)		
		Secondary Cite(s)		· · · · · · · · · · · · · · · · · · ·			·	
E.	Viol	ation Description	Failure to locat from unsanitary	surroundings.	Specificall	o there will be no danger ly, the well must not be loo nd fuel storage tank.	of pollution cated within	
		Į.				В	ase Penalty	\$1,000
:	»	Environmental, l	Property and F	luman Healt	h Matrix			<u> </u>
:	. "	Livironnientai,	roporty and r	Harm	TT TOTAL TOTAL			
		Release	Major	Moderate	Minor			
	OR	Actual	IVIAJOI	Woderate	TVIIIIOI	1		
	OK	Potential	x			Percent	25%	
		i otentiai į			<u> </u>			
	»	Programmatic M	latriy					
		Falsification	Major	Moderate	Minor	*.		
	ÖR	1 alsilication	Wajor	Moderate	1	Percent	•	
				L		<u> </u>		•
	Matrix Notes	failure to locate the tank may expose	the well at least 18 the well to significate levels that are	cant amounts of	of pollutants			
		:				Adjustment	-\$750	
					•	Base Penal	ty Subtotal	\$250
		Violation Events	· .					
		Number of Vi	olation Events	1]			
			·		 =			•
!	. mari	only one; use small x	daily		_	,		. •
			monthly		_			•
		•	quarterly			•	ţ	•
:			semiannual		_	Violation Bas	se Penalty	\$250
			annual	Х.		•		
			single event]			
				-			•	1
	Events Notes	the May 27, 2003	is recommended investigation thro ake the penalty co	ough the scree	ning date o	of the violation during f January 14, 2004, to lation.		
		Economic Bene	fit (EB) for this	violation		Statutory Limit Test	·	•
		Estimated E	B Amount (\$)	\$1,591		Violation Final Pe	nalty total	\$250
			This Vio	lation Final	Assesse	ed Penalty (adjusted	for limits)	\$250

Page 12 of 14 06/30/08	C:\WINDOWS\					rt LD REVISED w	ithout blk 3 .qpw
			Benefit Wo	rkshee	et"		
•	SNI Corporation di	-	d Mart		г	Percent	
		CCEDS Case No. 11945					Years of
Media [Statute]	Public Water Supp	oly	•			Interest	Depreciation
Violation Number	5						
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Description	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						*
Delayed Costs		,					
Equipment		. [- in the second	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	·			0.0	- \$0	n/a	. \$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)		1		0.0	\$0	n/a	\$0
Notes for DELAYED costs							
							•
·							
Avoided Costs	·	NNUALIZE [1] a	voided costs be			ot for one-time av	
Disposal				0.0	\$0	\$0	\$0
Personnel	64.000	27.14	00.11 000.1	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	27-May-2003	30-Nov-2004	1.5	\$76	\$1,515	\$1,591
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs				0.0	\$0	\$0	\$0
Notes for A VOIDED costs		F-4					
		Estim	iated cost to cond	auct leak	detection sampli	ng.	
Approx Cost of Compliance	\$1,000					TOTAL [\$1,591

Respondent SNI Corporation dbs Broadway Food Mart Case ID No. CCEDS Case No. 11945 Respondent/Site ID No. RN101252732; Public Water System ID No. 0450085 Media [Statute] Public Water Supply Enf. Coordinator Merilee Hupp Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential X Percent Programmatic Matrix Failure to secure the necessary sanitary easement could expose the system to an inalgnificant amount of pollutants that would not exceed levels that are protective of human health. Notes Number of Violation Events Number of Violation Events Number of Violation Events Number of Violation Events A single event X Events A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	,		e\2004-0043-pws-e-qcp-Broadway Fo cket Number 2004-0043-PWS-E	ood Mart LD REV	ISED without blk PCW
Case ID No. CCEDS Case No. 11945 Respondent/Site ID No. RN101282732; Public Water Suptem ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Wiolation Number 6	•		, ,	Policy Re	evision 2 (09/02)
Respondent/Site ID No. RN101252732; Public Water System ID No. 0450065 Media [Statute] Public Water Supply Enf. Coordinator Merrilee Hup Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Failure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. Base Penalty **Statute** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Notes** **Matrix** **Pallure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. **Adjustment** **Sp50** **Wiolation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Adjustment** **Sp50** **Adjustment** **Sp50** **Sp50** **Violation Events** **Number of Violation Events** **Adjustment** **Sp50** **S	•	·	vay 1 ood Mart	PCW Re	vision 2/10/2004
Media Statute Public Water Supply Enf. Coordinator Medie Hupp	·		r Sytem ID No. 0450065		
Enf. Coordinator Violation Number Violation Number Primary Rule Cite Secondary Cite(s) Violation Description **Fallure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. **Base Penalty** **Fallure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. **Base Penalty** **Fallure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. **Base Penalty** **Fallure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. **Base Penalty** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Adjustment** **Sp50** **Notes** **Violation Events** **Number of Violation Events** **Violation Events** **Number of Violation Events** **Violation Base Penalty** **Sp50**			T Oylem 12 No. 0400000		
Violation Number Primary Rule Cite Secondary Cite(s) Violation Description Base Penalty Failure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. Base Penalty \$1,000 **Base Penalty **St.000 **Percent** Release Major Moderate Minor OR Actual Potential X Percent **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Pailure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. **Adjustment** **Adjustment** **Sp50** **Violation Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **Adjustment** **Sp50** **Violation Base Penalty** **Violation Base Penalty** **Sp50** **Violation Base Penalty** **Sp50** **Violation Base Penalty** **Sp50** **Sp50** **Violation Base Penalty** **Sp50** **Sp5	•	•			
Primary Rule Cite Secondary Cite(s) Violation Description Failure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. Base Penalty \$1,000 **Percent** Release Major Moderate Minor OR Actual Potential X Percent **Percent** **Percent** **Percent** **Percent** **Percent** **Percent** **Matrix Notes** **Matrix Notes** **Matrix Notes** **Matrix Notes** **Pailure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. **Percent** **Percent** **Percent** **Percent** **Percent** **Adjustment** **-\$950** **Notes** **Violation Events** Number of Violation Events** Number of Violation Events* Number of Violation Events Number of Violation Events **Notes** A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test				e .	
Secondary Cite(s) Violation Description Failure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. Base Penalty \$1,000 **Base Penalty **Statutory Limit Test** **Percent** **Percent** **Statutory Limit Test** **Percent** **Perc			30 TAC § 290.41(c)(1)(F)]	
Failure to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation. Base Penalty \$1,000	· -		3		
Base Penalty \$1,000 **Percent \$5% **Percent \$5%	•	on			
** Environmental, Property and Human Health Matrix **Harm** **Release Major Moderate Minor **OR Actual Potential X Percent 5% **Percent 5%		Failule to provide a same		documented	
** Environmental, Property and Human Health Matrix **Harm** **Release Major Moderate Minor **OR Actual Potential X Percent 5% **Percent 5%				Base Penalty	\$1,000
Release Major Moderate Minor OR Actual Potential X Percent 5% Programmatic Matrix Falsification Major Moderate Minor OR Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment -\$950 Base Penalty Subtotal \$50 Violation Events Number of Violation Events 1 mark only one; use smell x daily monthly quarterly semiannual single event X Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	» Environment	al. Property and Human He	ealth Matrix	.	
Release Major Moderate Minor Actual					
Programmatic Matrix Falsification Major Moderate Minor OR Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment \$_\$950\$ Violation Events Number of Violation Events Number of Violation Events Matrix Notes Adjustment \$_\$950\$ Violation Events Number of Violation Events Number of Violation Events Adaily monthly quarterly semiannual annual single event \$\times\$ A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	Rele		e Minor		
Programmatic Matrix Falsification Major Moderate Minor OR Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment \$\frac{-\sqrt{950}}{\text{burnan health}}\$ Violation Events Number of Violation Events Number of Violation Events Matrix Notes Adjustment \$\frac{-\sqrt{950}}{\text{burnan health}}\$ Violation Events Number of Violation Events The state of the secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment \$\frac{-\sqrt{950}}{\text{burnan health}}\$ Violation Events Number of Violation Events The state of the secure that are protective of human health. **Software of Violation Events **Software of Violation Events **Adjustment \$\frac{-\sqrt{950}}{\text{burnan health}}\$ Violation Base Penalty \$\frac{\sqrt{56}}{\text{software of Violation Base Penalty}}\$ **Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test		[
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Falsification Major Moderate Minor Percent Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment	" Programmet	io Matrix	•		
Matrix Notes Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment\$950	-		Minor	•	
Matrix Notes Failure to secure the necessary sanitary easement could expose the system to an insignificant amount of pollutants that would not exceed levels that are protective of human health. Adjustment -\$950 Base Penalty Subtotal \$50 Violation Events Number of Violation Events 1 Matrix Notes Number of Violation Events 1 Matrix Notes A single event x Adjustment -\$950 Base Penalty Subtotal \$50 Violation Base Penalty \$50 Semiannual annual single event x Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test		Major Moderati		4	•
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Violation Events Number of Violation Events Number of Violation Events 1	• •	. •		1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Number of Violation Events 1 mark only one; use small x daily monthly quarterly semiannual annual single event x Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	Violation Eve	ente	240010		
mark only one; use small x daily monthly quarterly semiannual annual single event x Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test					
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quarterly semiannual annual single event x Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test	mark only one, use sine				
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Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test				suse remains	<u> </u>
Events Notes A single event is recommended based on the May 27, 2003 investigation. Economic Benefit (EB) for this violation Statutory Limit Test					
Notes A single event is recommended based on the May 27, 2003 threshgation. Economic Benefit (EB) for this violation Statutory Limit Test		single event			•
Economic Benefit (EB) for this violation Statutory Limit Test	Events	tic account and ad based on	the May 27, 2002 investigation	7	•
parameter parame	Notes A single e	vent is recommended based on	the May 27, 2003 investigation.		
Estimated EB Amount (\$) \$67 Violation Final Penalty total \$50	Economic Be	enefit (EB) for this violation	Statutory Limit Te	st	
	Estimate	d EB Amount (\$)	\$67 Violation Final	Penalty total	\$50

Page 14 of 14 06/30/08	C:\WINDOWS					rt LD REVISED w	ithout blk 3 .qpw
		Economic	Benefit Wo	rkshee	et	~	
Responden	t SNI Corporation d	SNI Corporation dba Broadway Food Mart					
ID Number(s) CCEDS Case No.	CCEDS Case No. 11945					Years of
Media Statute	Public Water Supp	oly				Interest	Depreciation
Violation Numbe	r 6				L	5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs	6			•			•
Equipmen		1		0.0	\$0	\$0	\$0
Building	s			0.0	\$0	\$0	\$0
Other (As needed)			0.0	\$0	\$0	\$0
Engineering/construction	n			0.0	\$0	\$0	\$0
Lan	d			0.0	\$0	n/a	\$0
Record Keeping System	n			0.0	\$0	n/a	\$0
Training/Samplin	g			0.0	\$0	n/a	\$0
Remediation/Disposa	1			0.0	\$0	n/a	\$0
Permit Cost	s			0.0	\$0	n/a	\$0
Other (As Needed	\$1,000	27-May-2003	30-Sep-2004	1.3	\$67	n/a	\$67
Notes for DELAYED cost	s Estimated cos	Estimated costs necessary to investigate, prep, and record a well sanitary easement, from the date of the investigation through the anticipated date of compliance.					
		investig.	anon unough me	amicipat	ed date of comp	ilarice.	
Avoided Costs	5	ANNUALIZE [1] a	voided costs be	fore ente	ering item (exce	pt for one-time a	voided costs)
Disposa	1			0.0	\$0	\$0	\$0
Personne				0.0	\$0	\$0	\$0
Inspection/Reporting/Samplin	g			0.0	\$0	\$0	\$0
Supplies/equi	p			0.0	\$0	\$0	\$0
Financial Assurance [2	´			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed	′ L			0.0	\$0	\$0	\$0
Notes for AVOIDED cost	s			•			
			•				
•			<u> </u>				
Approx Cost of Complianc	e \$1,000					TOTAL [\$67

Compliance History

Customer/Respondent/Owner-Oper	rator: CN6	01253594	SNI CORP DBA BROADWA MART	Y FOOD .	Classification:	HIGH	Rating: 0,000
Regulated Entity:	RN1	01252732	BROADWAY FOOD MART		Classification:	HIGH ·	Site Rating: 0.00
ID Number(s):		ROLEUM STO	RAGE TANK	REGISTRAT	ON		74235
		ISTRATION LIC WATER S	YSTEM/SUPPLY	REGISTRAT	ON		0450065
Location:	2682	HWY 71, COI	LUMBUS, TX, 78934		Rating Date: 9	9/1/03 Repeat Vid	plator: NO
TCEQ Region:	REG	ION 12 - HOUS	STON			-	
Date Compliance History Prepared:	July 2	28, 2004					
Agency Decision Requiring Complia	nce History: Enfor	cement					
Compliance Period:	July 2	21, 1999 to Jul	y 21, 2004				
TCEQ Staff Member to Contact for A	Additional Information Re	egarding this C	ompliance History				
Name: David Van Soest		Phor	ne: (512) 239-0468				
		Site C	ompliance History Compo	nonto			
Has the site been in existence and	d/or aparation for the full						
Has there been a (known) change	·		•	Yes No			
3. If Yes, who is the current owner?	, m e mieremp e, me ene		menance peneg.				
4. if Yes, who was/were the prior ow	ner(s)?			N/A			•
•				N/A			
5. When did the change(s) in owner	ship occur?			N/A			
Components (Multimedia) for the	ne Site :						
N/A B. Any criminal convictions of	of the state of Texas and	I the federal go	overnment.				
N∕A -							
C. Chronic excessive emissi	ons events.		•				•
' N/A			4				
D. The approval dates of inv	estigations. (CCEDS Inv	. Track. No.)					
1 01/13/2004 (259532)						
•	280550)						
3 07/25/2003 (126098)						
E. Written notices of violation	ns (NOV). (CCEDS Inv.	Track. No.)				•	
. N/A							•
F. Environmental audits.							
N/A							
G. Type of environmental ma	anagement systems (EM	Ss).					
N/A							
H. Voluntary on-site complian	nce assessment dates.						
N/A			•				
I. Participation in a voluntary	pollution reduction prog	gram.					
N/A							
J. Early compliance.				•			
N/A						•	
Sites Outside of Texas			÷				

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION AGAINST SNI CORPORATION DBA BROADWAY FOOD MART TCEQ ID NO. 0450065 RN101252732

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2004-0043-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SNI Corporation dba Broadway Food Mart ("SNI") under the authority of, Tex. Health & Safety Code ch. 341 and 30 Tex. Admin. Code ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and SNI, represented by William F. Harmeyer of the law firm of William F. Harmeyer and Associates, appear before the Commission and together stipulate that:

- 1. SNI owns and operates a convenience store and public water supply system located at 2682 Highway 71, Columbus, Colorado County, Texas (the "Facility"). The Facility has 1 service connection and serves at least 25 people per day for at least 60 days per year.
- 2. This Agreed Order is entered into pursuant to Tex. Health & Safety Code § 341.049. The Commission has jurisdiction of this matter pursuant to Tex. Health & Safety Code § 341.031 because it alleges violations of Tex. Health & Safety Code ch. 341 and the TCEQ rules.
- 3. The Commission and SNI agree that the Commission has jurisdiction to enter this Agreed Order, and that SNI is subject to the Commission's jurisdiction.
- 4. SNI received notice of the violations alleged in Section II ("Allegations") on or about July 30, 2003.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by SNI of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of four thousand nine hundred fifty dollars (\$4,950.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). SNI has paid one hundred ninety dollars (\$190.00) of the administrative penalty. The remaining amount of four thousand seven hundred sixty dollars (\$4,760.00) of the administrative penalty shall be payable in thirty-five (35) payments of one hundred thirty-six dollars (\$136.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If SNI fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of SNI to meet the payment schedule of this Agreed Order constitutes the failure by SNI to timely and satisfactorily comply with all of the terms of this Agreed Order.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and SNI have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that SNI has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

SNI is alleged to have violated:

1. 30 Tex. Admin. Code § 290.109(c)(2) and (3), and Tex. Health & Safety Code § 341.033(d) by failing to collect and submit routine bacteriological samples and repeat samples after a coliform positive result as required.

- 2. 30 Tex. Admin. Code § 290.110(d)(3)¹ for failing to use a method that conforms to the requirements of 30 Tex. Admin. Code § 290.119 relating to analytical procedures. Specifically, the respondent failed to posses a chlorine test kit that uses the DPD colorimetric method to determine free chlorine residual levels at various locations of the distribution system, as documented during an investigation conducted on May 27, 2003.
- 3. 30 Tex. Admin. Code § 290.110(c)(5)(B)² for failing to conduct and record weekly chlorine residual tests, as documented during an investigation conducted on May 27, 2003.
- 4. 30 Tex. Admin. Code § 290.122(a) for failing to post Public Notices for violations of the maximum contaminant limit for microbial contaminants (coliform positive sample results) as documented during an investigation conducted on May 27, 2003.
- 5. 30 Tex. Admin. Code § 290.41(c)(1)(A) by failing to locate ground water sources so there will be no danger of pollution from unsanitary surroundings. Specifically, the well must not be located within 150 feet of an underground fuel storage tank, as documented during an investigation conducted on May 27, 2003.
- 6. 30 Tex. ADMIN. CODE § 290.41(c)(1)(F) by failing to provide a sanitary control easement for the well, as documented during the May 27, 2003 investigation.

III. DENIALS

SNI generally denies each allegation in Section II ("Allegations").

^{1 30} Tex. Admin. Code \S 290.110(d)(3) was recodified as 30 Tex. Admin. Code \S 290.110(d)(1)(C) effective January 9, 2008, by 33 Tex. Reg. 198.

^{2 30} Tex. ADMIN. CODE \S 290.110(c)(5)(B) was recodified as 30 Tex. ADMIN. CODE \S 290.110(c)(4)(A) effective January 9, 2008, by 33 Tex. Reg. 198.

IV. ORDER

1. It is, therefore, ordered by the TCEQ that SNI pay an administrative penalty as set forth in Section I, Paragraph six above. The payment of this administrative penalty and SNI's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: SNI Corporation dba Broadway Food Mart, Docket No. 2004-0043-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. SNI shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, SNI shall begin monitoring the chlorine residual at representative locations in the distribution system at least once every seven days in accordance with 30 Tex. ADMIN. CODE § 290.110(c)(4)(A);
 - b. Within 15 days after the effective date of this Agreed Order, SNI shall begin weekly Residual Chlorine Testing in accordance with 30 Tex. ADMIN. CODE § 290.110(d)(1)(C);
 - c. Within 90 days after the effective date of this Agreed Order, SNI shall obtain an exception to 30 Tex. Admin. Code § 290.41(c)(1)(A) (relating to well located near underground storage tanks), as required by 30 Tex. Admin. Code § 290.39(1);
 - d. Within 90 days after the effective date of this Agreed Order, SNI shall obtain an exception to 30 Tex. Admin. Code § 290.41(c)(1)(F) (relating to sanitary control easements), as required by 30 Tex. Admin. Code § 290.39(1); and
 - e. Within 105 days after the effective date of this Agreed Order, SNI shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a -d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Mr. Stephen Smith, Water Section Manager Texas Commission on Environmental Quality Houston Regional Office 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon SNI. SNI is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by SNI shall be made in writing to the Executive Director. Extensions are not effective until SNI receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against SNI in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

SNI Corporation dba Broadway Food Mart DOCKET NO. 2004-0043-PWS-E Page 6

- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to SNI, or three days after the date on which the Commission mails notice of the Order to SNI, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission					
For the Executive Director	10(9(06 Date				
authorized to agree to the attached Amy signature, and I do agree to the te	derstand the attached Agreed Order. I represent that I am greed Order on behalf of the entity, if any, indicated below rms and conditions specified therein. I further acknowledge for the penalty amount, is materially relying on such				
 and/or my failure to timely pay the period A negative impact on my commod Greater scrutiny of any permit Referral of this case to the Attanditional penalties, and/or attanditional penalties in any future Automatic referral to the Attandament Automatic referral to the Attandament against me; and 	appliance history; t applications submitted by me; torney General's office for contempt, injunctive relief, torney fees, or to a collection agency; are enforcement actions against me; rney General's Office of any future enforcement actions				
• TCEQ seeking other relief as	authorized by law. ompliance documents may result in criminal prosecution.				
Signature Charles	06/22/06				
8	Date PRESIDENT				
AMEENA BHAIDANI					
Name (Printed or typed)	Title				
Authorized representative of					
SNI Corporation dba Broadway Food Mart					